

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

— — —

UNITED STATES OF AMERICA,

Plaintiff,

vs.

Case No. 14-20655

15-20201

DEONTA MATTHEWS,

Hon. Marianne O. Battani

Defendant.

SENTENCE

BEFORE THE HONORABLE MARIANNE O. BATTANI
United States District Judge
Theodore Levin United States Courthouse
231 West Lafayette Boulevard
Detroit, Michigan
Thursday, September 21, 2017

APPEARANCES:

For the Plaintiff: A. TARE WIGOD

For the Defendant: BEN M. GONEK

BARTON W. MORRIS, JR.

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1 Detroit, Michigan

2 Thursday, September 21, 2017

3 at about 2:20 p.m.

4 - - -

5 (Court, Counsel and Defendant present.)

6 THE CASE MANAGER: Please rise.

7 The United States District Court for the Eastern

8 District of Michigan is now in session, the Honorable

9 Marianne O. Battani presiding.

10 You may be seated.

11 The Court calls Case No. 15-cr-20201 and

12 14-cr-20655, United States of America vs. Deonta Matthews.

13 THE COURT: Good afternoon. May I have your
14 appearances, please?

15 MR. WIGOD: Good afternoon, Your Honor. Tare Wigod
16 on behalf of the government.

17 MR. MORRIS: Your Honor, my name is Barton Morris.
18 I'm appearing on behalf of Deonta Matthews specifically with
19 respect to 15-cr-20201.

20 THE COURT: Okay.

21 MR. GONEK: Good afternoon, Your Honor. My name is
22 Ben Gonek. I'm appearing on behalf of Mr. Matthews for the
23 2014 case.

24 THE COURT: All right. Mr. Matthews, would you
25 please come up to the podium with your attorneys.

1 All right. This is -- we will start with 15-20201,
2 which is the racketeering and receipt of a firearm case. So,
3 Mr. Gonek, you may stay up here or you may sit down if you
4 wish.

5 MR. GONEK: Thank you, Your Honor.

6 THE COURT: All right. Mr. Matthews, did you
7 review the presentence report on this matter?

8 THE DEFENDANT: Yes.

9 THE COURT: Okay. And I did receive an objection.
10 Mr. Morris, the objection was regarding paragraphs 18 and 19.
11 Do you want to address those?

12 MR. MORRIS: Okay. Your Honor, as the Court is
13 likely aware, I did substitute for counsel for the sentencing
14 here. I did not file this objection, and I presumed it was
15 filed, as you said, in paragraphs 18 and 19 contesting
16 whether this Court should score a sentence enhancement for a
17 death as relevant conduct. It is at this time that I would
18 on behalf of my client withdraw that objection.

19 THE COURT: All right. Then we don't have to deal
20 with that. There's no objections to withdrawing it, I'm
21 assuming?

22 MR. WIGOD: Correct. I don't know of any other
23 objections if that one is withdrawn, Your Honor.

24 THE COURT: I think that was the only objection
25 that I had. Let me ask you, Mr. Morris, if you had any other

1 objections. I don't have any noted but --

2 MR. MORRIS: No.

3 THE COURT: No. Okay. And I have defendant's
4 sentencing memo, which was submitted by his prior attorney,
5 and the government's sentencing binder actually was submitted
6 I think the last time we were here for sentencing, and the
7 Court has reviewed those things.

8 So, Mr. Matthews, do you have anything that you
9 wish to say before the Court sentences you?

10 THE DEFENDANT: Yes. I got a letter I wanted
11 to say to the Court.

12 THE COURT: I'm sorry. Could you please speak into
13 the microphone so we can hear you?

14 THE DEFENDANT: I say I got a letter that I would
15 like to read to you that I wrote.

16 THE COURT: Okay. Yes, and I did receive letters
17 from you, which the Court has read, but you may go ahead with
18 your letter.

19 THE DEFENDANT: Thanks. First and foremost, I'm
20 willing to accept responsibility for my actions, and over
21 these last two and a half years I learned more than I've ever
22 learned in my entire life and I'm not the same person I was
23 when I first stood in front of you. I'm not the same person
24 when I first stood in front of you at 19. I'm 22 now and I
25 have grown rapidly mentally, physically and spiritually.

1 I didn't have the male support so I just followed
2 the trends and got sucked into the everyday life in my
3 neighborhood. It seemed normal. Now I realize I had my
4 blinders on and not my wide screen to see the bigger pictures
5 in life.

6 THE COURT: Could you speak a little slower and a
7 little louder so the reporter can get it down, please? Thank
8 you.

9 THE DEFENDANT: You want me to start over?

10 THE COURT: No, no, we have it up until that point.

11 THE DEFENDANT: All right.

12 MR. MORRIS: You had your blinders on and not your
13 wide screen.

14 THE DEFENDANT: Oh, I had my blinders on and not my
15 wide screen to see the bigger pictures and the important
16 values of life.

17 Since being incarcerated, I have come to a point
18 where I love to read, and knowledge is power, and I am
19 behind. I never knew of all of the great books that had all
20 the answers that I was looking for originally, and that
21 easily took the spot of the male role model. I never heard
22 of these great books. When the * dashers used to say read a
23 lot, I just started borrowing books from school. I didn't
24 see how Romeo and Juliet or the Frog who kissed the princess
25 could help me, and I'm not the person that these people try

1 to make me out to be, not even close.

2 I am not perfect, but that's not me. And no matter
3 what happens today, I'm still going to continue to better
4 myself every day and stay in tune with my higher self and
5 stand on my two feet like a man and grow from this situation.
6 And I want the courts to know I'm remorseful for my actions.

7 Thank you.

8 THE COURT: Counsel?

9 MR. MORRIS: Thank you, Your Honor.

10 If you don't mind, I would like to read something
11 from my cell phone, the reason being yesterday I received a
12 letter, an additional letter from a pastor at a church that
13 my client attended. I sent it to the prosecutor already. I
14 just wanted to read it; it is very brief.

15 THE COURT: All right.

16 MR. MORRIS: This is from God Praises Baptist
17 Church on James Couzens, signed by or typed by Pastor
18 Fannie Clay.

19 Deonta Matthews is a member of God Praises Baptist
20 Church. This young man is very respectable to his elders,
21 family oriented, always willing to give a helping hand. He
22 will give the clothes off his back to the less fortunate.

23 Deonta speaks positively to the younger youth and
24 peers.

25 I attended this young man's graduation from Redford

1 High School and then received the good news that he was
2 attending Schoolcraft College. Deonta has been on church --
3 excuse me.

4 Deonta has been on church events in and out of
5 state to support other church members in achieving their
6 dreams and goals. He has volunteered at community activities
7 like neighborhood cleanups, feeding the homeless, also
8 participated in donations to outside of the state for
9 emergency relief programs.

10 I felt obviously that was important for the Court
11 to understand. And I want to begin with the fact that I am
12 new to this case, and I'm standing before this Court for the
13 first time representing Mr. Matthews, but I want the Court to
14 know I have spent a significant amount of time familiarizing
15 myself with the discovery and the facts of this case and the
16 reasons why we are here.

17 But I think more importantly, as I had began to go
18 through all of this voluminous information, it became more
19 important that I do my best to try to get to know
20 Mr. Matthews and his family and how his family feels about
21 him and how he feels about his family because I think that
22 that's equally as important and probably what I can do most
23 to help this Court decide what an appropriate sentence should
24 be. And in doing so, I've learned a number of things that I
25 think are important that I'm about to -- I'm going to advise

1 you of.

2 First, in just reading this letter, it dawned on me
3 the significance of the fact that this pastor attended his
4 high school graduation from Redford High School. I would
5 imagine -- I'm pretty sure most, if not all, of the
6 codefendants in this case did not graduate from high school
7 and probably didn't even get a GED. What that means to me
8 and I think that it explains at a time when he was -- and
9 this happened in 2014, he graduated in 2014, when he was,
10 what, 18 years old?

11 THE DEFENDANT: Uh-huh, yes.

12 MR. MORRIS: He intended and wanted to graduate
13 from high school. That was a goal of his. He purposefully
14 stayed in school obviously knowing that he didn't have to and
15 realizing that that wasn't -- but understanding that he
16 wanted to finish school. And not only that, after graduating
17 from high school, not a GED, he then enrolled in college,
18 Schoolcraft College. This is before being indicted on this
19 particular offense. This was a time when he wanted to
20 improve himself and get out of the street life that brought
21 him or brings him before the Court today.

22 He went to school for a full two months in January
23 and in February of 2015. My client tells me that during that
24 period of time he really enjoyed it. It demonstrated and
25 showed him really for the first time in his life that this

1 was a life that he could look forward to and not be looking
2 behind his back all the time and worrying about whether
3 somebody was going to hurt him or kill him and that he could
4 improve his life.

5 He just told you about how he loves reading books
6 now, and this is something that -- this is basically a
7 demonstration of the fact that the man that stands before you
8 today and even the man that stood -- that was going to school
9 at that time is not the same man that committed these
10 offenses, the offenses for which he stands before the Court
11 when he was just 16 or 17 years old.

12 He's been in custody now for two and a half years.
13 He's 22 years old now. 16 and 17 years old is when these
14 offenses occurred maybe -- yeah, 16 and 17 years old. Now,
15 I -- I don't think it's a stretch to say that at that age,
16 under the circumstances in which he was living, it doesn't
17 provide an excuse for anything, but I think everybody would
18 agree that that's a significant age of immaturity and of
19 uneducation.

20 And growing up where he did under the circumstances
21 that he did caused things to happen as they did, but things
22 changed after which where he began to understand that he
23 could be a better person and was really looking forward to
24 the opportunity of doing so and even wanting to leave and get
25 out of Detroit. That's part of the reason why he was in

1 Redford, because he wanted to get out of Detroit and out of
2 the bad influences that was -- that were there.

3 I want to remind the Court that he did plead guilty
4 to two counts. The first count, that conspiracy charge for
5 racketeering, those are offenses that did occur when he was
6 young, and that's a 20-year maximum sentence. And I think it
7 would be appropriate for the Court to think about these
8 sentences in a bifurcated manner because they did represent
9 two distinct periods in his life and two very different
10 periods of his life.

11 The RICO offense being a maximum of 20 years, and
12 then there is the firearm offense at a time when he was right
13 before -- after he had graduated from high school, which
14 again I just find it to be very remarkable, and then right
15 before he enrolled in college, that was a different person,
16 somebody that was literally on his way out of that street
17 life and presumably and hopefully into something that was
18 going to be more positive. Unfortunately he --

19 THE COURT: When was that RICO?

20 MR. MORRIS: That started when he was 16 years old.

21 THE COURT: Okay. And the gun charge, the second
22 charge?

23 MR. MORRIS: The second charge that he pled guilty
24 to occurred on February 22nd, 2015.

25 THE COURT: 2015.

1 MR. MORRIS: He was in school at that time, and, of
2 course, he's still obviously carrying --

3 THE COURT: He graduated in '14 so --

4 MR. MORRIS: Right. He graduated in 2014. He
5 started school in January 2015. There's a lot of firearms
6 charges. My client believes that this particular one that he
7 had pled guilty to may have happened in July. I talked to
8 the prosecutor about it --

9 (An off-the-record discussion between Defense
10 counsel and Defendant was held at 2:35 p.m.)

11 MR. MORRIS: I'm talking about the offense that we
12 are standing here before you today, Count 4. Count 4 --

13 THE COURT: Count 4.

14 MR. MORRIS: Count 4 I believe occurred between
15 February 25, 2015 -- or February 22nd to February 25th, 2015
16 based upon some evidence of a video recording, is that not
17 right?

18 MR. WIGOD: That's correct.

19 MR. MORRIS: So the reason I say that is because at
20 the time that it occurred he was a different person and
21 likely and hopefully presumably on his way out of the street
22 life that had caused the offenses for which substantiate
23 Count 1.

24 THE COURT: So he was a different person. You have
25 to fill me in a little because I'm getting a --

1 MR. MORRIS: Yeah.

2 THE COURT: I don't know where this comes from. He
3 had involvement from when he was kid in 2012 was the murder.

4 MR. MORRIS: Right, 2012, which is a -- far
5 removed, especially for a young man, in 2015.

6 THE COURT: Right, right, but the robberies were in
7 April of 2014, and he was graduating I assume in May or June
8 of 2014. Would that be right?

9 MR. MORRIS: I believe so.

10 THE COURT: So what happened between that June
11 period in 2014 and when you say he changed in -- in February
12 of 2015?

13 MR. MORRIS: He enrolled in school and that was the
14 basis upon which I was making this argument that he had a
15 desire to continue to go to school or continue to school to
16 better himself and not just do what he was doing because I
17 think those two things are contradictory. Why would somebody
18 continue to live this life in the streets and then also go to
19 Schoolcraft College to learn to be a chef? And I believe
20 that is a recognition or at least some evidence of the fact
21 that he was changing, growing up, maturing, and is becoming a
22 different person. That's my argument.

23 THE COURT: Okay.

24 MR. MORRIS: And that is why I recommend to the
25 Court that he should not be receiving the -- the people --

1 the government in this case are asking for the actual -- the
2 absolute statutory maximum, 20 years and 15 years, and the
3 offenses for which encompass the racketeering charge is
4 20 years. I would ask the Court to consider giving him
5 20 years for that and an additional five years for the gun
6 charge, and that being I think consistent with this Court's
7 obligations.

8 The 18 350 -- the 3553 factors, as I review them
9 and how this Court should see them in (a)(1), the nature and
10 circumstances of the offense, he's receiving a significant
11 sentence obviously because of the offense, particularly
12 Count 1. It also reflects the seriousness of the offense and
13 promotes respect of the law as in (a)(2)(A). It also affords
14 a significant deterrence to criminal conduct. He's going to
15 be protected from society with that type of sentence. I had
16 hoped during that --

17 THE COURT: Or society is going to be protected
18 from him.

19 MR. MORRIS: Yes, that's -- that's what I meant.
20 Sorry. He will -- society will be protected from him.

21 In short, what I'm saying is that sentence of
22 20 years satisfies all of these things. A sentence of
23 35 years far exceeds what is necessary in order to -- in
24 order to establish what the Court needs to do under these
25 factors.

1 I have also wanted to note, there are about 17 or
2 18 individuals from the defendant's family here today,
3 including his mother and his grandmother and his sister.
4 That demonstrates a lot of family support.

5 One thing I thought was significant, looking even
6 at the defendant's tattoos, he has his mother's name on his
7 body and his sister's name on his body. He loves his family.
8 I wish the Court could have seen his face when he turned
9 around and looked at his family coming into court today, it's
10 the biggest smile I've seen since I've known him, and to me
11 it just demonstrates that this is no longer that individual
12 that committed these offenses. He's -- like I said, he's
13 been in custody for two and a half years. This Court is
14 going to -- has -- is going to give him a significant
15 sentence. We just ask that you not make it more than what is
16 necessary.

17 THE COURT: Okay.

18 MR. MORRIS: Thank you.

19 THE COURT: Thank you.

20 Mr. Wigod?

21 MR. MORRIS: My client would like to say one more
22 thing.

23 THE COURT: Sure.

24 THE DEFENDANT: I just want to add to the fact -- I
25 just want to add on about my family, like my mom and my

1 sister and my grandmother, aunty, like a lot of stuff that I
2 was into, it was secret, it was stuff that I was doing. It
3 wasn't nothing that they knew about or was aware of because
4 I'm pretty sure they would have tried to pull me into
5 something else. It is something that they wasn't aware of,
6 it was things that I was doing.

7 THE COURT: They didn't know about your gang
8 activities?

9 THE DEFENDANT: No, they didn't know. It was stuff
10 that I was hiding and keeping to myself. They didn't know
11 about it as growing up. They wouldn't have -- they wouldn't
12 have agreed to it at all. That's all I just wanted to add to
13 the record and let you know that.

14 THE COURT: So I take it you had their support
15 while you were engaged in these gang activities even though
16 they didn't know about the gang activities?

17 THE DEFENDANT: Right.

18 THE COURT: That you had support from them?

19 THE DEFENDANT: Right, from my mom, grandma and
20 aunty, yeah.

21 THE COURT: And what do you believe is different
22 now because they supported you all along, so what's different
23 now that would make you change because you had their support
24 before?

25 THE DEFENDANT: It's just -- a lot of stuff that I

1 see is not important. I see a lot of stuff that's not
2 important. It wasn't necessarily that -- they supported me,
3 but it wasn't necessarily that they knew all of my problems
4 or they knew what I needed or could give to me without all I
5 needed what I was looking for. Like I grew up around all
6 female, women in the house, so I didn't really 100 percent
7 like listen or respect what they say in so many words because
8 I feel like they not men so they don't really understand
9 where I'm coming from or certain situations that happen
10 outside of the house. I feel like I needed a male, so I just
11 figured like I go about it myself and learn as I go. But I
12 realized that they here and they have the right answers and I
13 could have went to them for the answers. A lot of stuff they
14 didn't know about, you know. So, it is different now, I
15 understand it now. I bumped my head and I learned, I learned
16 a lot, so --

17 THE COURT: Okay. So as I look at your background,
18 and we have to hear from the government yet, but I just want
19 to say, because I have a question, as I look at your
20 background, you know, you appear to be -- in my old days we
21 would say you were a punk, okay, that's just what you were,
22 you were a smarty, you thought you knew better than
23 everybody, you thought you were in control of everybody and
24 everybody's life. But my question is to you now, you say
25 you've learned because you have matured, what can you say to

1 young people, how can we stop young 16, 17, 18-year-old
2 mostly boys, how can we prevent them from looking forward to
3 years in prison like you are?

4 THE DEFENDANT: I teach them about this, I teach
5 them about the feds, I teach them about the federal system
6 and how much time they giving out. It have to be somebody
7 that is coming out of there around the age that they can
8 listen to because when I was in high school and they used to
9 bring up people, fire fighters and people that's 40, 50, we
10 weren't trying to listen to them. It would have to be
11 somebody around their age that has been through a lot of
12 stuff that they can listen to that can kind of relate to
13 them. So I teach them about the federal system, mandatory
14 minimums, and I teach them about that, that will stop them
15 because --

16 THE COURT: Well, that's interesting. So you are
17 saying, and that's an idea, that we need people like you who
18 have been through the system, who have been of the worst
19 kind, to go while you are young into schools and say this is
20 what happens to you?

21 THE DEFENDANT: Exactly, examples.

22 THE COURT: Somebody else had an answer back here.
23 I would like to hear from him. Are you the father?

24 MR. HARPER: Yes, ma'am.

25 THE COURT: Could you come up here please. Just

1 get on the other side of counsel.

2 MR. HARPER: Can I hug my son?

3 THE COURT: Your name, sir?

4 MR. HARPER: Rydell Harper.

5 The father plays a big role in the black male
6 coming up in society today, and when he's not in the
7 household, we tend to run wild. It is a perpetuating
8 situation, and it's not going to only to take the black
9 folks' help, it's going to take Caucasians also to bind in,
10 to stop this destruction of the black home. We are not
11 blaming anyone. It starts in the home, and without a father
12 in the home, it's hard for a young male to be contained or to
13 follow some type of a structure.

14 THE COURT: So is the answer for the fathers to be
15 in the home?

16 MR. HARPER: Around the child more, ma'am, a male
17 child especially. It's not a big secret that that's not a
18 high percentage in the black communities across America.

19 THE COURT: Okay. I mean, I think that's
20 absolutely right on, and I accept what you are saying. I
21 wish we could do something a little better to take care of
22 that because we see these young people coming in all the
23 time, and what do you do when you look forward to 20, 30,
24 40 years in prison? I mean, that's ridiculous.

25 MR. HARPER: Yes, ma'am.

1 THE COURT: Okay. Thank you.

2 MR. HARPER: Yes, ma'am.

3 THE COURT: Government?

4 MR. HARPER: Can I hug my son, ma'am?

5 THE COURT: No, I'm sorry, I can't let you do that.

6 MR. HARPER: Yes, ma'am.

7 MR. MORRIS: Shall we stand?

8 THE COURT: Yes, just stand there. Mr. Wigod.

9 MR. WIGOD: Thank you, Your Honor.

10 Your Honor, there's always a dichotomy between the
11 defendant who stands before you at sentencing and the
12 defendant who was before and how he got to be before you.

13 I have investigated this case for several years.
14 I'm very familiar with Mr. Matthews. The only thing that I
15 think that he's learned during this time is how to properly
16 address the Court because when a person evaluates the
17 totality of the circumstances, it's terrifying.

18 When he was ultimately detained on these cases, he
19 was 16 years old; I'm sorry, he was 19 years old. And when
20 you look at between what he did when he was 19 and 16, he
21 created havoc, menace and mayhem in his community, and what
22 he did in just a short few years is staggering. Had he gone
23 on and continued out in the community, it would have been
24 devastating.

25 And these are just some of the short -- things that

1 he did in the short few years that he was out: He was a
2 leader of a criminal street gang, his street name was CEO
3 Tay. You are well aware of the case and what these
4 individuals did, but they were responsible for murder,
5 carjackings, robberies, shootings. These are things that he
6 advocated and condoned. He was the leader of these
7 individuals. So it is not as if you can isolate his
8 behavior. To a certain degree, he's responsible for the
9 others that he led.

10 He had a direct impact on the other individuals --
11 the younger individuals in the gang. There's mind-blowing
12 statements by him on Facebook about what to do. Some younger
13 individuals asked Mr. Matthews how do I get into the gang,
14 and his response is kill one of our enemies.

15 There's photographs all over social media with him
16 in possession of firearms. He's glorifying these deadly
17 weapons. That certainly has an impact on the younger
18 individuals in the community and the younger individuals in
19 the gang. So not only is he directing them to kill people,
20 he's showing them how to do it with firearms, and then he's
21 actually soliciting them and using them to commit crimes.
22 When he and his cohorts went to Milwaukee to commit a
23 robbery, a smash and grab, one of individuals that went into
24 the jewelry store was a minor, he was a minor at the time.
25 I'm fairly certain that he was well aware of that. He knew

1 what he was doing. It was by design -- other gang members
2 had told us that it was by design that they picked younger
3 individuals under the theory that they would get less of a
4 punishment. He was literally corrupting a community.

5 I mentioned the firearms that the defendant had,
6 but when you look at the pictures, for example, on page 32 of
7 the government's sentencing memorandum, he's not just in
8 possession -- I mean, it is multiple firearms in his pockets
9 out in front of him. These are acts of intimidation. These
10 are -- this is a message that he's sending to the community
11 and to rival gangs that they are not to be messed with. He's
12 essentially creating a culture of violence in his community.
13 In this gang, having a firearm is having power. And he
14 wasn't just boasting about it, he wasn't just putting
15 pictures on social media.

16 In the summer of 2014, over the course of less than
17 three months, he was actually caught with three separate
18 firearms on three separate occasions. That's staggering. I
19 think June, July -- twice in July he was pulled over at three
20 separate times and had a gun on him each time. The first
21 question that comes to mind is how many times does he have a
22 gun on him when he's not pulled over by the police? I would
23 suggest that that's always. The other thing that comes to
24 mind is the access to firearms that he has. I mean, to be
25 able to lose a gun and then within a very short period of

1 time obtain another gun, illegally obviously, is quite scary.

2 Mr. Matthews has a total lack of respect for law
3 enforcement and a total lack of respect for the criminal
4 justice system.

5 In Facebook communications and off of his -- and in
6 social media communications, LOL, you know I still got
7 strap -- which is a firearm -- fuck the feds.

8 On Twitter, judge said I got -- and I believe he's
9 referring to you or just the federal system -- judge said I
10 gotta stay away from guns. I'm thinking not, not a chance,
11 bum bum.

12 This is his mindset, and I don't believe for a
13 second that he's changed. To spend 15 minutes in court and
14 apologize doesn't change his stripes. And it is not as if he
15 just sat back and was an armchair leader directing people
16 what to do. As I mentioned, he went to Milwaukee and
17 participated in that robbery. He drove with his cohorts to
18 Kentucky and participated in that robbery. And during the
19 course of the investigation we found a recording that I had
20 to listen to so many times to believe what I was actually
21 hearing I couldn't understand.

22 There's a recording where Mr. Matthews is on the
23 phone with another individual who was incarcerated with the
24 Michigan Department of Corrections. That individual was
25 the -- was a codefendant's half brother. And during the

1 conversation basically the individual in prison was speaking
2 with Mr. Matthews about Mr. Matthews becoming a heroin dealer
3 for him. And while he's -- while Mr. Matthews is actually on
4 the phone with the person in MDOC, and this call is being
5 recorded, Mr. Matthews and a codefendant -- or a
6 coconspirator of his robbed another individual. You could
7 hear them in the background sticking some lady up.

8 And when I heard the call, I questioned about
9 whether that was really going -- that was what was really
10 going on because there were portions that were muffled, but
11 then a few weeks later he actually speaks on another recorded
12 call to Gino Solomon, the half brother of the heroin dealer,
13 and he says oh, funny that you called, I spoke to this other
14 individual recently, and what's really funny is that me and
15 Wani (phonetic), the other gang member, stuck up a lady while
16 we were talking to him.

17 This is the mindset that he has. Not only is he a
18 danger to the community, he's committing an armed robbery of
19 a citizen in the area while on a recorded phone call with a
20 Michigan Department of Corrections individual while trying to
21 set up heroin deal.

22 MR. MORRIS: Judge, I would object to that.

23 THE COURT: Well, you can object. They have signs
24 up, you know, that these telephone calls are recorded.

25 MR. MORRIS: But we don't -- I didn't listen to

1 these. I'm not sure if these calls were even provided to us,
2 and this is certainly not something that's in the indictment,
3 it's not something that he plead guilty to.

4 THE COURT: He's not charged with it in the
5 indictment but it's in --

6 MR. WIGOD: They were all provided. The transcript
7 is in the sentencing memorandum.

8 THE COURT: Right.

9 MR. WIGOD: The Court can interpret it however it
10 wishes. That's my interpretation. I think it's rather
11 clear.

12 Judge, let me end on this. You labeled the
13 defendant a punk. I respectfully disagree some. He's more
14 than a punk, he's a killer. He's a cold-stone killer, make
15 no mistake about it.

16 A lot of times at these sentences we focus on the
17 defendant, and it is appropriate and I understand why, but
18 what gets completely lost too many times are the victims.
19 And we've spoken about Mr. Matthews' age, we've spoken about
20 what he's going to do in the future. He has a future, but
21 there is one person who doesn't have a future, that's
22 Marcus Cole.

23 Marcus Cole was executed, literally executed by the
24 defendant. Defendant and his gang members were out hunting,
25 and that was a word used by one of the coconspirators, out

1 hunting for Marcus Cole. They heard that Mr. Cole was in the
2 neighborhood walking with another individual. Three of them
3 were driving around in a car, and Mr. Matthews had a rifle on
4 him. They found Mr. Cole, they stopped, he got out of the
5 car, aimed the rifle at Mr. Cole, and as Mr. Cole ran away,
6 completely unarmed, and shot him seven times. Mr. Cole,
7 unfortunately for him, ran into -- when he was fleeing
8 Mr. Matthews, he ran into a backyard that was completely
9 fenced, he had nowhere to go, and Mr. Matthews killed him,
10 then gets back in the car and tells his coconspirators we are
11 even, now we are even. Mr. Cole will never have a future.
12 Mr. Cole was 16 years old.

13 And what did the defendant do after that? He went
14 on and became a significant gang leader and he continued his
15 criminal activity. He continued with the possession of a
16 firearm, he continued robbing people, he continued. He
17 essentially bragged about this killing and it got him street
18 credit.

19 But the most important thing about that is that
20 Mr. Matthews -- there has to be retribution. And I don't
21 think for one second that he's changed. Over the course of
22 several years he's been violent and an entirely negative
23 impact on the community. I think under the totality of the
24 circumstances, his continued criminal behavior and the
25 terrible acts he committed, a sentence of 35 years is

1 appropriate.

2 THE COURT: All right. It is the Court's
3 obligation to impose a sentence that is sufficient but not
4 greater than necessary to comply with the purposes of our
5 law. And I have to look at the sentencing guidelines, which
6 we've discussed, and with the 3553(a) factors, which we will
7 discuss.

8 You know, as I read before in the government's
9 sentencing memorandum, and as I read the indictment and all
10 the different things that happened here, my inclination is
11 simply to want to basically throw you in prison for the rest
12 of your life. And as the Judge, what I have to do is look at
13 all of these particular factors and restrain the natural
14 instinct of anybody who would hear what the government just
15 laid out for you and want to punish you to the extreme. I
16 have to look at something that I truly believe would be
17 sufficient but not greater than necessary.

18 We know certainly that the -- that the nature of
19 this charge -- charges, these are very, very extreme,
20 probably the most extreme charges that I have seen, and I've
21 done some gang work unfortunately here as we have done, but
22 what you have done and your gang and your entry to the gang
23 is truly extreme and it's evil. And there are, it is
24 frequently said, two kinds of people: one that, you know, you
25 make a mistake, you are immature, et cetera, but you could be

1 rehabilitated; and then there are those people who are simply
2 evil, that they have no sense of right and wrong.

3 Now, you are telling me today that you, in fact,
4 have matured and that you are different now than you were
5 there. And I really, really, really hope that's true, I hope
6 that's true. You've got all of these people here who are
7 supporting you, and I would hope if anybody could make it
8 ultimately, you can.

9 But what concerns me is you had all of these people
10 supporting you and it didn't seem to make any difference.
11 And I understand what your father said and what you said,
12 that there was no male role model, and that's got to be very
13 difficult and something that maybe this Court cannot be as
14 sensitive to as others who have grown up in this environment,
15 but we can't let it be an excuse because you know what? You
16 went around and you victimized your own people, you
17 victimized your own people. So I don't see that excuse. I
18 think you just simply were immoral.

19 The background that you have -- well, you don't
20 have much of a background. I mean, your background is in the
21 criminal justice system from the time -- from the time that
22 you were 14, at least that I'm aware of, but if you were out
23 there shooting guns when you were -- in 2012, I would say
24 that you were doing a lot of things back then that were
25 criminal in nature.

1 And the Court has to look at, you know, what
2 sentence is sufficient, what sentence is sufficient? What
3 can we do when you are sentenced for you? How can we do
4 something to help you? Can the prison system help you? That
5 might sound contradictory, but truthfully there are -- I
6 mean, that is a purpose of sentencing is to get you into the
7 programs, the educational level. You are a smart kid. You
8 graduated from high school and you went on to college, I mean
9 you took courses for a couple months anyway, you got in. So
10 hopefully the prison will provide you with some further
11 education, further reading, et cetera.

12 But I think it is very important to protect the
13 public from you because you obviously -- you know, you say
14 now you have matured, and I hope that's true, but I don't
15 know that's true. But what I do know is how dangerous you
16 were, how terribly dangerous you were. The question is are
17 you now? I don't know. If I had to guess, I would come down
18 on the side of the prosecution and say, yeah, you are still
19 dangerous. But I would hope in your time in prison you would
20 be able to overcome that so that when you do get out of
21 prison, you could be a productive member of society.

22 And also we need to provide an example to other
23 young men. As you said, you know, you need to get to them
24 and you need to tell them what happens to you when you are a
25 young man and you put yourself above God, you put yourself

1 above other young men and you are the ruler and the leader.
2 What happens to you when you are the ruler and the leader?
3 You end up locked in a cell. It gives you a lot of power.

4 So the Court considered all of these factors, and I
5 considered the guidelines and what your counsel asked for and
6 what the government asked for, and I'm going to commit you to
7 the Bureau of Prisons for a term which is going to be
8 equivalent to 25 years. I will get down to the details. And
9 why do I say 25 years instead of 35 years? Because I can't
10 even imagine a young man like you looking ahead 25 years. It
11 is like your whole life again. And either you are
12 rehabilitated in your 25 years or you're going to come out
13 and you will just be killed or go to prison for the rest of
14 your life.

15 And there are victims here. There are more than
16 this young man who was killed. There are all of these other
17 people that you put in terror. There's the people that you
18 committed -- you know, that you held up while you were on the
19 phone. And I can't even imagine how many others, though I
20 think we can all believe that there were many people who were
21 terrorized by you.

22 But I do think that for the most of this, you were
23 very young and that just maybe, just maybe you would be one
24 of those people who can be rehabilitated and, with the
25 support of your family, lead a crime-free life.

1 So I think that an appropriate sentence is on
2 Count 1, 276 months; 36 months on Count 4 to be served
3 concurrently with Count 1; and 24 months consecutive to the
4 other counts. We didn't talk about that but that's the
5 sentence enhancement that the government had because you
6 committed this crime while you were under indictment on
7 another charge. That's for a total of 300 months, which is
8 25 years.

9 Upon release from imprisonment you will be placed
10 on supervised release for a term of five years on Count 1 and
11 three years on Count 4.

12 You will pay a special assessment of \$100 per count
13 for a total of \$200, which is due immediately.

14 The Court waives the imposition of a fine, cost of
15 incarceration and cost of supervision due to your lack of
16 financial resources and restitution obligation.

17 Restitution in the amount of \$28,000 is ordered to
18 the victims of the offense. Restitution shall be paid
19 jointly and severally with your co-defendants in this case
20 and interest will not accrue.

21 You will pay your \$28,000 to the Clerk of the
22 Court. \$10,000 will go to Schwanke-Kasten Jewelers in
23 Milwaukee, and \$18,000 to Jewelers Mutual in Wisconsin. So I
24 think that's something that you are going to have to work
25 when you get out of prison because you are not going to make

1 that money in prison, you're going to have to make it when
2 you get out.

3 While in custody you will participate in the Inmate
4 Financial Responsibility Program. The Court is aware of the
5 requirements of that program and approves the payment
6 schedule of the program and orders you to comply with it.

7 Mandatory drug testing is ordered.

8 While on supervision you will abide by the standard
9 conditions adopted by the United States District Court for
10 the Eastern District of Michigan, and you will comply with
11 the following special conditions:

12 You should be lawfully and gainfully employed, so
13 that means you are working 40 hours a week, and if you have a
14 part-time job, then you spend the rest of the 40 hours
15 seeking employment.

16 You will be in a program approved by probation for
17 mental health counseling if necessary.

18 And this goes without saying, you cannot be a
19 member of a gang, an association. Do you understand that, of
20 any kind, whether you are in prison or out of prison?

21 THE DEFENDANT: Yes, I understand.

22 THE COURT: Okay. And you shouldn't be in the
23 company of those that you believe wear or display in any
24 manner a sign that they shall be -- that they are in the
25 gang, and, of course, you should not wear anything associated

1 with a gang. You shouldn't use hand signals, body signals,
2 anything else with a gang.

3 And I don't know what the state of the social
4 networking, we can only imagine what it will be in 25 years,
5 but, you know, you were so stupid you advertised everything
6 you did, so when you get out, you are not to use social media
7 while you are on supervised release.

8 You will provide the probation officer access to
9 any requested financial information, and you will make
10 monthly payments on which you owe in restitution and
11 assessments, and the Court will approve what is recommended
12 by probation.

13 And you should not incur any new credit charges or
14 open any additional lines of credit unless you are in
15 compliance with your payment schedule and approved by the
16 Probation Department.

17 Okay. The Court accepts the Rule 11.

18 MR. WIGOD: I'm sorry, Your Honor. There was no
19 Rule 11.

20 THE COURT: That's right, he pled on the nose.
21 Okay.

22 MR. WIGOD: I just had a question as to the Court's
23 apportionment of the sentence.

24 THE COURT: Do you want me to repeat that?

25 MR. WIGOD: Yes.

1 THE COURT: Let's make sure it adds up. It is --

2 PROBATION OFFICER: Your Honor, upon looking at
3 this further, I believe Count 1 would have to be the
4 240 months with the 20-year max, and then you could do the
5 36 months --

6 THE COURT: I thought you told me differently.

7 PROBATION OFFICER: Yes, I apologize. I looked at
8 it again.

9 MR. WIGOD: Your Honor, the enhancement only
10 applies to Count 4, not Count 1, so the statutory maximum on
11 Count 1 would be 240.

12 THE COURT: Okay. Is that what you're saying?

13 PROBATION OFFICER: Yes, Judge. Upon looking at it
14 further, I realized that the 240 months should be on Count 1,
15 and then on Count 4 you could do, to reach the 300 months,
16 36 months consecutive to Count 1 plus the 24 months
17 consecutive to the sentence on Count 4.

18 THE COURT: Okay. Let's make sure this adds up. I
19 did the total because I wanted it to be 25 years and not 35,
20 so let's go back and just make sure.

21 It's 240 months on Count 1, 36 months on Count 4,
22 and 24 months -- the 36 months to be consecutive to --

23 MR. WIGOD: All three sentences should be
24 consecutive to each other.

25 THE COURT: Yes. The 36 months will be consecutive

1 to Count 1, and then the 24 months will be consecutive to
2 Count 4, so that's a total of 300 months; is that right?

3 PROBATION OFFICER: Yes, Your Honor.

4 THE COURT: I'm sorry. I did -- my math was wrong
5 and I'm glad you caught that.

6 Okay. Do you have any questions on that? Do you
7 want me to go over that again?

8 THE DEFENDANT: No, it's 25.

9 MR. MORRIS: No, Your Honor.

10 THE COURT: Okay. Then we have -- oh, are there
11 any objections to the sentence as stated?

12 MR. WIGOD: No, Your Honor.

13 THE COURT: Defense?

14 MR. MORRIS: No, Your Honor. We have no questions.

15 THE COURT: Okay. Is there anything else, Counsel?

16 MR. WIGOD: Not as it relates to this.

17 THE COURT: I know we have another sentencing but
18 anything on this?

19 MR. MORRIS: No, Your Honor.

20 THE COURT: Okay. You do have the right to appeal
21 this matter if you wish, and you must do so within 14 days of
22 today's date. Okay.

23 Now, going to the other case, which is 15-30102,
24 possession of a firearm with the altered serial number.

25 I didn't receive any objections on that case. Is

1 there anything -- I'm sorry, we have to do new attorneys.

2 I'm very sorry. Okay.

3 On this case let's do appearances again just to be
4 sure the record is clear.

5 MR. WIGOD: Tare Wigod on behalf of the government.

6 MR. GONEK: Ben Gonek on behalf of Mr. Matthews for
7 this case.

8 THE COURT: Okay. And, Mr. Matthews, have you gone
9 over this presentence report with your attorney, Mr. Gonek?

10 THE DEFENDANT: What did you say?

11 THE COURT: Have you gone over the presentence
12 report with Mr. Gonek?

13 THE DEFENDANT: No, I haven't.

14 THE COURT: Pardon me? No? Did you say no?

15 THE DEFENDANT: I thought he was taking care of it,
16 Your Honor. I didn't know -- I thought he was going to take
17 care of it.

18 MR. GONEK: Do you want Mr. Morris to represent you
19 on this?

20 THE DEFENDANT: Yeah, he can. I thought that's
21 what was going on.

22 MR. GONEK: Your Honor, I think there was --

23 THE DEFENDANT: I thought he just took care of it.
24 I didn't know he was coming up. So I don't know what's going
25 on basically. I thought he just took care of everything.

1 THE COURT: Well, your attorney, Mr. Morris, filed
2 in the one case only to represent you, and Mr. Gonek
3 continues then to represent you in this case.

4 Have you gone over this presentence report with
5 him?

6 MR. GONEK: I have not. I went down -- we sent the
7 presentence report a while back, we came here for a
8 sentencing a while back, and it was adjourned until today.
9 There weren't any objections filed. I think Mr. McManus
10 actually represented Mr. Matthews when this presentence
11 report was prepared because it was quite some time ago.
12 Because I was confused today procedurally how we would
13 proceed in light of the fact that Mr. Morris substituted in
14 on one case and not the other.

15 THE COURT: Well, we are proceeding to sentencing.

16 MR. GONEK: No, I understand that, Your Honor. But
17 when I went -- I -- it was -- it has always been my
18 understanding that Mr. -- and correct me if I'm wrong, you
19 didn't want me as your lawyer, right?

20 THE DEFENDANT: Correct.

21 MR. GONEK: And that's why you retained counsel,
22 correct?

23 THE DEFENDANT: Correct.

24 MR. GONEK: And I think there was just a -- I don't
25 know --

1 THE COURT: So, Counsel, both of you, why didn't
2 you take care of this before? This is not too confusing.

3 Mr. Morris, are you representing him on this case?

4 MR. MORRIS: Judge, I didn't know of this case, the
5 pendency of this case. I was focused on the big case, that's
6 all I was -- I didn't realize this other case was even
7 scheduled for today until he came into custody and wanted to
8 talk to him about it, so that perhaps is certainly my fault
9 but I didn't -- I wasn't even aware of it.

10 MR. GONEK: Your Honor, if I could just give the
11 Court -- when I was contacted, it wasn't by Mr. Morris, it
12 was by his assistant to substitute in. I made arrangements
13 to copy our files on the computer disk and I signed -- or
14 gave my consent to sign a stipulation for substitution. I
15 did advise Mr. Morris' assistant that there was another case
16 and that there -- that -- and the assistant advised me they
17 wouldn't be representing Mr. Matthews in that case. I should
18 have at that time contacted Mr. Morris and got some type of
19 joint plan together to make some sense out of this, and so I
20 am somewhat culpable as well.

21 THE COURT: Let's take a short break and, Counsel,
22 both of you, if you would talk with the defendant, he can
23 stay up here.

24 Mr. Matthews, this presentence report is
25 basically -- correct me if I'm wrong, but as I read it,

1 except for the facts of case and the guidelines, it is
2 exactly the same as the one that you went over with
3 Mr. Morris.

4 THE DEFENDANT: All right.

5 THE COURT: So you can take a minute to just look
6 at it, to look at the facts of the case, and the sentencing
7 guidelines in this case are 18 to 24 months, most likely will
8 be concurrent. I don't see any sense in adjourning this and
9 having everybody come back, so let's take a minute.

10 MR. GONEK: If we could have five minutes?

11 THE COURT: That would be fine.

12 THE CLERK: All rise. This Court is in recess.

13 Please be seated.

14 (Court recessed at 3:18 p.m.)

15 — — —

16 (Court reconvened at 3:22 p.m.; Court, Counsel and
17 all parties present.)

18 THE COURT: All right. Continuing with the
19 sentence, Mr. Gonek.

20 MR. GONEK: Yes, Your Honor. Both Mr. Morris and I
21 spoke with Mr. Matthews. He does want to proceed to
22 sentencing on the '14 case today, and he has no problem with
23 me representing him at this sentencing. Is that correct?

24 THE DEFENDANT: Yeah.

25 MR. GONEK: Okay.

1 THE COURT: Okay. And, Mr. Matthews, you
2 understand that this -- you have reviewed the report, at
3 least you reviewed it with Mr. Morris, correct?

4 THE DEFENDANT: Yeah.

5 THE COURT: Okay. I'm looking at that other
6 report. Just one minute. Okay. So before the Court passes
7 sentence, is there anything else that you wish to say?

8 MR. GONEK: I just would like to make one brief
9 point that I think speaks to Mr. Matthews' maturity. In this
10 case, the 2014 case, the gun that was found was found in a
11 trunk, it wasn't found on his person, I believe, or, you
12 know, in close proximity. He fully cooperated with the law
13 enforcement officer that pulled him over or stopped him and
14 arrested him, and he did accept responsibility by pleading
15 guilty straight up to this offense with the understanding
16 that he could go to prison. He accepted responsibility for
17 this wrong, Your Honor, and I think that that was a, you
18 know, I believe the first start of a turning point that's
19 going to continue in Mr. Matthews' life.

20 And in light of the sentence on the other case,
21 Your Honor, I would ask the Court to consider just -- I
22 understand what the guidelines are, 18 to 24 months, but just
23 imposing a sentence of a day and closing this case out in
24 light of the sentence in the other case that he was just --
25 that he just received. Thank you.

1 (An off-the-record discussion between
2 Defense Counsel and Defendant was held at
3 3:25 p.m.)

4 MR. GONEK: I may have used a poor choice of words
5 when I indicated that when Mr. Matthews was arrested he
6 cooperated. He didn't cooperate in terms of giving
7 information. He just did what the officer asked in terms of
8 being arrested. He didn't flee, he didn't hit the officer.
9 He just did what he was told at the time of his arrest. If I
10 used the words cooperated, by no means has Mr. Matthews ever
11 cooperated with the government in providing any type of
12 information.

13 THE COURT: Okay. Mr. Matthews, do you have
14 anything else that you wish to say?

15 THE DEFENDANT: No, Your Honor. Thank you.

16 THE COURT: Okay. Government?

17 MR. WIGOD: I would just ask for a guideline
18 sentence, Your Honor.

19 THE COURT: Okay. Well, wait a minute because you
20 submitted a presentence report, the guidelines are 18 to 24,
21 which you acknowledge, but you are requesting 15 months? No,
22 is this not the case?

23 MR. WIGOD: The guidelines are 18 to 24, Your
24 Honor.

25 THE COURT: I'm sorry. Okay. I'm sorry.

1 The Court is going to impose a guideline sentence
2 in this case and commit you to the Bureau of Prisons for
3 18 months, but I'm going to do it concurrent to your sentence
4 that I just imposed in the other case. Okay.

5 And, again, on this case you have the right to
6 appeal, but if you do so, you would have to do so within
7 14 days of today's date. Okay.

8 Anything else the government?

9 MR. WIGOD: No, Your Honor. Thank you.

10 THE COURT: Defense?

11 MR. GONEK: No, Your Honor.

12 MR. WIGOD: I believe there is a special
13 assessment, Your Honor.

14 THE COURT: Oh, I'm going too fast. There is a
15 \$100 special assessment on this case also, and there will be
16 a period of supervised release of two years which would run
17 concurrent with the supervised release on your other case,
18 and the same conditions apply as I imposed on the other one
19 regarding you cannot associated with gang members, you can't
20 be in a gang. Okay. Anything else?

21 PROBATION OFFICER: Your Honor, the Court may wish
22 to waive the fine, cost of incarceration and cost of
23 supervision in this case as well.

24 THE COURT: Yes. I will waive the cost of
25 supervision and the fine. Okay.

1 MR. MORRIS: Thank you, Your Honor.

2 MR. WIGOD: Thank you, Your Honor.

3 (Proceedings concluded at 3:28 p.m.)

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CERTIFICATION

I, Robert L. Smith, Official Court Reporter of the United States District Court, Eastern District of Michigan, do hereby certify that the foregoing pages comprise a full, true and correct transcript taken in the matter of UNITED STATES OF AMERICA vs. DEONTA MATTHEWS, Case No. 14-20655 & 15-20201, on Thursday, September 21, 2017.

s/Robert L. Smith

Robert L. Smith, CSR 5098
Federal Official Court Reporter
United States District Court
Eastern District of Michigan

Date: 06/08/2018

Detroit, Michigan